

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

IN RE:

**CIRCUIT CITY STORES, INC., et al.,
Debtors.**

CASE NO.: 08-35653

CHAPTER 11

JOINTLY ADMINISTERED

JUDGE KEVIN R. HUENNEKENS

**SECTION 546(b) NOTICE OF INTEREST IN PROPERTY OF
CIRCUIT CITY STORES, INC.**

T.D. Farrell Construction, Inc. ("T.D. Farrell") files this Section 546(b) Notice of Interest in Property of Circuit City Stores, Inc. In support thereof, T.D. Farrell respectfully shows this Court as follows:

1. Circuit City Stores, Inc. and its affiliates (the "Debtors") each filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") on November 10, 2008 (the "Petition Date").

2. T.D. Farrell furnished materials, labor and/or equipment necessary to complete the construction of a new retail facility located at 12164 Fairfax Towne Center, Fairfax, Virginia 22033 (the "Property"). The Property is more specifically described in the Memorandum of Mechanic's Lien and the attachments affixed thereto, which was filed in the public records of Fairfax County, Virginia on November 26, 2008, an executed copy of which is attached hereto as Exhibit "1".

Robert E. Scully, Jr.
Virginia State Bar No. 19128
Stites & Harbison PLLC
1199 North Fairfax St., Suite 900
Alexandria, Virginia 22314
(703) 739-4900
Counsel for T.D. Farrell

3. T.D. Farrell furnished the aforementioned materials and equipment and performed labor and services pursuant to a contract between T.D. Farrell and the Debtors.

4. The aggregate amount of T.D. Farrell's lien, as more fully supported by T.D. Farrell's Memorandum of Mechanic's Lien, is \$213,357.30.

5. T.D. Farrell believes that the above described lien is properly perfected and that no further notice is required, however, out of an abundance of caution, and pursuant to § 546(b) of the Bankruptcy Code, T.D. Farrell hereby files this Notice.

6. Pursuant to the Code of Virginia § 43-17, in order to perfect its lien, T.D. Farrell has six months from November 26, 2008 to file suit to perfect its lien.

7. Pursuant to § 546(b) of the Bankruptcy Code, notice must be given within the time allowed under state law for perfection of an interest in property. As this Notice is being filed within such time, this Notice is timely.

WHEREFORE, T.D. Farrell respectfully requests that this Court accept this Notice of Interest in Property of Circuit City Stores, Inc. and grant such other and further relief as is just and appropriate.

This 30th day of January, 2009.



Robert E. Scully, Jr.
Virginia State Bar No. 19128
Stites & Harbison PLLC
1199 North Fairfax St., Suite 900
Alexandria, Virginia 22314
(703) 739-4900
Fax: (703) 739-9577
Counsel for T.D. Farrell

Respectfully submitted,
T.D. FARRELL
By Counsel

**IN THE UNITED STATES BANKRUPTCY COURT
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JUDGE KEVIN R. HUENNEKENS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Section 546(b) Notice of Interest in Property of Circuit City Stores, Inc. was sent via first-class mail, postage prepaid, to those parties listed blow on this the **30th** day of **January, 2009**.

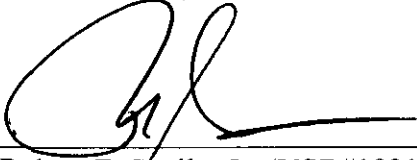
Circuit City Stores, Inc.
9950 Mayland Drive
Richmond, VA 23233

Chris L. Dickerson, Esq.
Skadden, Arps, Slate, Meagher
& Flom, LLP
333 West Wacker Drive
Suite 2000
Chicago, IL 60606

Robert B. Van Arsdale
Office of the U.S. Trustee
701 East Broad Street
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Gregg M. Galardi, Esq.
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One Rodney Square
P.O. Box 636
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Dion W. Hayes, Esq.
Douglas M. Foley, Esq.
McGuire Woods LLP
One James Center
901 E. Cary Street
Richmond, VA 23219


Robert E. Scully, Jr. (VSB#19218)

Fairfax County Circuit Court CPAN Cover Sheet v2.0

Instruments

MECHANICS LIEN

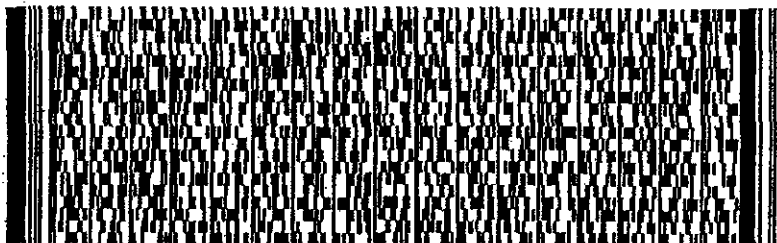
Grantor(s)

DDR MDT FAIRFAX TOWNE CENTER, LLC_I_N, CIRCUIT CITY STORES INC_I_N

Grantee(s)

TD FARRELL CONSTRUCTION, INC_I_N

Consideration		Consideration %	100
Tax Exemption		Amount Not Taxed	
DEM Number		Tax Map Number	046-3--01--0024-
Original Book		Original Page	
Title Company		Title Case	
Property Descr.			
Certified	No	Copies	0
		Page Range	



FILED

NOV 26 2008

JOHN T. FREY
Clerk of the Circuit Court
of Fairfax County, VA



MEMORANDUM OF MECHANIC'S LIEN

Name of Owner: DDR MDT FAIRFAX TOWNE CENTER, LLC
Address of Owner: c/o Developers Diversified Realty Corporation
3300 Enterprise Parkway
Beachwood, Ohio 44122,

and

DDR MDT FAIRFAX TOWNE CENTER, LLC
c/o CT Corporation System
4701 Cox Road, Suite 301
Glen Allen, Virginia 23060

Name of Tenant: CIRCUIT CITY STORES INC.
and Address of Tenant: 9950 Mayland Drive
Richmond, Virginia 23233

Name of Claimant: T.D. FARRELL CONSTRUCTION, INC.
Address of Claimant: 530 Staghorn Court
Alpharetta, Georgia 30004

1. Type of materials or services furnished:

General contractor services. All labor, materials and equipment required and all related work for use in the complete construction and/or improvement of the building or structure referred to below.

2. Amount Claimed: \$213,357.30.

3. Type of structure on which work done or materials furnished:

Construction and completion of Circuit City retail store, all materials and labor required for same, being commercial retail space at Fairfax Towne Center located at 12164 Fairfax Towne Center, Fairfax, Virginia 22033, located on the Real Property described below.

4. Brief Description and Location of Real Property:

The Mechanic's Lien is claimed against the building or structure referred to above, located at 12164 Fairfax Towne Center, Fairfax, Virginia 22033, and so much land as is necessary for the use and enjoyment thereof.

The Real Property is within all that certain property described in that certain Special Warranty Deed recorded at Deed Book 15433 at page 1472 among the land records of Fairfax County, Virginia.

Tax Map #046-3-01-0024A

Map # 0463/01/0024A
Tax District 8100T
12124 Fairfax Towne Center
Fairfax, VA 22030

5. Date from which interest on above amount is claimed: October 26, 2008.
6. It is the intention of the Claimant to claim the benefit of a Mechanic's Lien against the buildings and structure referred to above, and so much land as is necessary for use and enjoyment thereof. This Memorandum is recorded pursuant to the Code of Virginia § 43-1, *et seq.*
7. This Memorandum of Mechanic's Lien is filed against the interest of any lessee as well as the fee simple interest of the owner. To the extent the owner did not authorize the work performed, then this Memorandum of Mechanic's Lien is solely filed against the interest of the lessee.

Dated: November 26th, 2008

T.D. Farrell Construction, Inc.

By: Emily H. Smith
Emily H. Smith, Esq. Attorney for
and Authorized Agent for Claimant

Contact:

Emily H. Smith, Esq.
Stites & Harbison, PLLC
Transpotomac Plaza
1199 N. Fairfax Street,
Suite 900
Alexandria, VA 22314
Telephone: (703) 739-4900

Affidavit

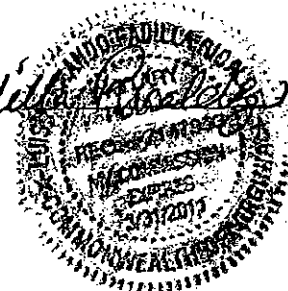
State of Virginia
City of Alexandria

I, the undersigned notary for the County or City aforesaid, do certify that Emily H. Smith, attorney and agent for claimant, this day made oath before me in my jurisdiction aforesaid that Circuit City Stores, Inc. is justly indebted to claimant in the sum of \$213,357.30, for the consideration stated in the foregoing memorandum, and that the same is due and payable.

Given my hand this the 26th day of November, 2008.

Luis Fernando Padilla
Notary Public

My Commission expires: 03/31/2011



VA. CODE ANN. § 43-4 CERTIFICATE OF MAILING OF MECHANIC'S LIEN

Claimant, T.D. Farrell Construction, Inc., by its undersigned counsel, hereby certifies that a true and accurate copy of the foregoing Memorandum of Mechanic's Lien to which this Certificate is affixed, was served via registered mail, return receipt requested, along with a copy of this Certificate, on this 26th day of November, 2008, to the Owner of the property, at the Owner's last known address which is set forth as follows, as well as Circuit City Stores, Inc.:

DDR MDT FAIRFAX TOWNE CENTER, LLC
c/o Developers Diversified Realty Corporation
3300 Enterprise Parkway
Beachwood, Ohio 44122

DDR MDT FAIRFAX TOWNE CENTER, LLC
c/o CT Corporation System
4701 Cox Road, Suite 301
Glen Allen, Virginia 23060

Dion W. Hayes, Esq.
Douglas M. Foley, Esq.
McGuire Woods, LLP
One James Center
901 E. Cary Street
Richmond, Virginia 23219

Gregg M. Galardi, Esq.
Ian S. Fredericks, Esq.
Skadden Arps, Slate, Meagher & Flom, LLP
One Rodney Square
P.O. Box 636
Wilmington, Delaware 19899-0636

Counsel for Circuit City

Counsel for Circuit City

Circuit City Stores, Inc.
9950 Mayland Drive
Richmond, Virginia 23233

T. D. Farrell Construction, Inc. (Claimant)

By: Emily H. Smith
Emily H. Smith, Esq. Attorney for and Authorized
Agent for Claimant